

REMARKS

Applicant requests favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Claims 1-10 were pending in the application and were rejected in the Office Action. By way of this amendment, Applicant has: (a) amended claims 1, 4, 6, 7, 9, and 10; (b) canceled claim 5, without prejudice or disclaimer; and (c) added new claims 11-14. Claims 1-4 and 6-14 are respectfully presented for further consideration.

1. Formalistic Objections and Rejections

The Examiner objected to the drawings, specification, and claims 4-10 for various formalistic reasons. In addition, The Examiner also rejected claims 5-10 under 35 U.S.C. § 112, ¶ 2 various formalistic reasons. As the grounds for each of the objections and the § 112 rejection have been fully obviated by way of the amendments made herein, a withdrawal of each of the objections and the § 112 rejection is both warranted and respectfully requested.

2. Prior Art Rejections of Claims 1-10

The Examiner rejected:

- (a) claims 1, 2, 4-6, and 8 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,941,558 (“Labrie”);
- (b) claim 9 under 35 U.S.C. § 103(a) as allegedly being obvious over Labrie;
- (c) claims 1 and 3-5 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,595,543 (“Desprez”); and
- (d) claims 1-6 and 8-10 under 35 U.S.C. § 103(a) as allegedly being obvious when considering JP 2001-322523 (“Kitagawa”) in view of U.S. Patent No. 5,217,253 (“Pray”).

For at least the following reasons, Applicant respectfully traverses these rejections.

As amended, claim 1 (*i.e.*, the claim from which claims 2-4 depend) recites an airbag apparatus for a front passenger seat of a vehicle. The apparatus includes, among other possible things (*italic emphasis added*):

a container that has a pair of opposing sides; and
an airbag that is folded and accommodated within the container;
wherein one of the pair of the opposing sides includes a locking part
for connecting to a vehicle instrument panel and the other of the pair of
opposing sides includes a fixing part for connecting to the instrument panel,
wherein the fixing part includes two members that extend substantially
in parallel with each other,

AMENDMENTS TO THE DRAWINGS

As requested by the Examiner: (a) Figure 3 has been amended to delete the word “opening”, as requested by the Examiner; (b) Figures 3-7 have been amended so that the figure label is oriented in the same direction as the figures, as requested by the Examiner; and (c) Figure 4-7 have been amended to include “PRIOR ART” labels.

In addition, Figures 1 and 2 have been amended to include a reference numeral “30” for the clamp discussed, *e.g.*, in ¶¶ [0044], [0045], and [0053].

wherein the fixing part is configured to receive a wall section that extends from a rear surface of the instrument panel between the two members, and

wherein the wall section includes a leg piece that extends in a direction substantially parallel to the instrument panel and away from the container.

Similarly, claim 6 (*i.e.*, the claim from which claims 7-10 depends) recites a setting structure for an airbag apparatus for a front passenger seat of a vehicle having an instrument panel. In this embodiment (italic emphasis added):

[] the airbag apparatus comprises:

a container that has a pair of opposing sides; and
an airbag that is folded and accommodated within the container,

[] the setting structure includes an arrangement wherein each of the opposing sides is connected to a backside of the instrument panel,

[] one of the opposing sides includes a clamp that has two parallel members that connect to a wall section of the instrument panel, which wall section extends toward the container, and

[] the wall section includes a leg piece that extends in a direction substantially parallel to the instrument panel and away from the container.

The above-italicized limitations claims 1 and 6 were recited in original claim 6, which was amended herein to be in independent claim format. Moreover, claim 6 was only rejected as being anticipated by Labrie and as being obvious considering Kitagawa in view of Pray, *i.e.*, Desprez was not applied to claim 6. Regardless, as hereafter explained none of Labrie, Kitagawa, Pray, and Desprez discloses, teaches, or suggests the above-italicized limitation of claims 1 and 6.

Labrie: Labrie teaches a wall section (*i.e.*, tether) 50 that extends in a direction toward the container (*i.e.*, dispenser) 20. The wall section 50 includes a leg piece (*i.e.*, end of tether 50) 54, which is received in a hinge 36. However, contrary to the above-italicized limitation of claims 1 and 6, Labrie's leg piece 54 does not extend "in a direction . . . away from the container" 20. Rather, as shown in Fig. 2, the leg piece 54 extends in a direction *toward* the container 20.

Kitagawa: Kitagawa was discussed, *e.g.*, in ¶¶ [0011]-[0022] of the instant application, which paragraphs refer to Figs. 4-6 of the instant application. Moreover, the Examiner cites to Fig. 1 of Kitagawa, which Applicant respectfully notes is identical to Fig. 4 of the instant application. As the Examiner asserts, Kitagawa teaches a wall section 7 that extends toward the container 20. Kitagawa's wall section 7, however, lacks any structure that may be analogized to a leg piece "that extends in a direction . . . away from the container." Accordingly, Kitagawa fails to cure the deficiencies of Labrie.

Pray: Although Pray clearly fails to disclose, teach, or suggest a wall section within the meaning of claims 1 and 6, Pray does teach, as the Examiner asserts, a door bracket 70 and a parallel door retainer plate 90. In contrast to the above-italicized limitation of claims 1 and 6, however, neither the door bracket 70 nor the door retainer plate 90 extends in a direction “away from the container 22”. Rather, both the door bracket 70 and the door retainer plate 90 are parallel to the container 22. Accordingly, like Kitagawa, Pray fails to cure the deficiencies of Labrie.

Desprez: Similar to Kitagawa, Desprez teaches a wall section 24. However, also like Kitagawa, Desprez’s wall section lacks any structure that may be analogized to a leg piece “that extends in a direction . . . away from the container.” Accordingly, Desprez also fails to cure the deficiencies of Labrie.

As Labrie, Kitagawa, Pray, and Desprez all fail to disclose, teach, or suggest at least the above-italicized limitation of claims 1 and 6, the references standing alone or combined can not be used to reject claims 1 and 6, or any claim dependent thereon, under 35 U.S.C. §§ 102, 103. Moreover, as claims 2-4 depend from claim 1 and as claims 7-10 depend from claim 6, each of these dependent claims is also allowable over Labrie, Kitagawa, Pray, and Desprez. Accordingly, a withdrawal of the various prior art rejections of claims 1-10 is both warranted and earnestly solicited.

3. New Claims 11-14

New claim 11 (*i.e.*, the claim from which claims 12-14 depend) recites an airbag apparatus for a front passenger seat of a vehicle. The apparatus includes, among other possible things (italic emphasis added):

a container that has a pair of opposing sides; and
an airbag that is folded and accommodated within the container;
wherein one of the pair of the opposing sides includes a locking part
for connecting to a vehicle instrument panel and the other of the pair of
opposing sides includes a fixing part for connecting to the instrument panel,

wherein the fixing part includes two substantially parallel, non-coplanar members that extend in a direction substantially parallel to the instrument panel and away from the container, and

*wherein the fixing part is configured to receive a wall section that
extends from a rear surface of the instrument panel between the two members.*

For at least the following reasons, new claim 11 is allowable over Labrie, Kitagawa, Pray, and Desprez.

Labrie: Labrie’s flange 64 and hinge 36 are parallel, non-coplanar members that arguably extend from the container 20. Contrary to the limitations of claims 11, however, the

flange 64 and the hinge 36 are not parallel to the instrument panel. Accordingly, Labrie fails to disclose, teach, or suggest at least the two members recited in claim 11.

Kitagawa: Fig. 2 of Kitagawa (*i.e.*, Fig. 5 of the instant application) teaches a plurality of *coplanar* hooks 15. Claim 11, however, recites that two non-coplanar members. Accordingly, Kitagawa fails to disclose, teach, or suggest at least the two members recited in claim 11.

Pray: Pray teaches a bracket that has two non-coplanar, parallel edges that extend away from the container 22. Contrary to the two members recited in claim 11, however, the bracket edges do not extend in a direction that is substantially parallel to the instrument panel 37. Accordingly, like Labrie, Pray fails to disclose, teach, or suggest at least the two members recited in claim 11.

Desprez: Desprez teaches hooks 44 that are arguably formed by two parallel, non-coplanar member-sides. However, contrary to the limitations of claim 11, the member-sides of the hooks 44 are not parallel to the instrument panel 4. Moreover, as the member-sides of the hook 44 are parallel to the sides of the container (*i.e.*, support plate) 42, the member-sides do not extend in a direction “away from” the container, as recited in claim 11. Accordingly, for at least both of these reasons, Desprez fails to disclose, teach, or suggest at least the two members recited in claim 11.

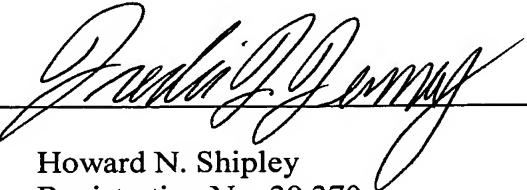
For at least the foregoing reasons, claim 11 is allowable over Labrie, Kitagawa, Pray, and Desprez. Moreover, as claims 12-14 depend from claim 11, each of these dependent claims is also allowable over Labrie, Kitagawa, Pray, and Desprez, without regard to the other patentable limitations recited therein.

CONCLUSION

For the aforementioned reasons, claims 1-4 and 6-14 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

Date JUL 28 2005

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HEREWITH, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HEREWITH, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.